IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8674 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PRAGYA P AGRAWAL

Versus

PIYUSH VASUDEV AGRAWAL

Appearance:

MR PR NANAVATI for the Petitioner.

MR AB MUNSHI for the Respondent.

RULE SERVED BY DS for Respondent No. 1

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 29/04/2002

ORAL JUDGEMENT

The petitioner herein has filed this Special Civil Application, challenging the order passed by Court No.3, Family Court, Ahmedabad, in Marriage Petition No.1738 of 2000. By the aforesaid interim order, the learned Judge has granted permission for returning the

passport of the respondent on various conditions mentioned in the order. This Court (Coram : Kundan Singh, J.), while admitting the matter, has stayed the impugned order, with the result that the respondent-opponent is not in a position to get back his passport in view of the interim stay granted by this Court.

At the time of hearing of this Special Civil Application, it was argued by Mr.Patel, learned Advocate for the opponent-respondent, that the opponent, at present, is not interested in getting his passport back, as, according to him, till the proceeding is pending before the Family Court, he would not like to go abroad with a hanging sword over his head. He, therefore, submitted that he has no objection if the interim order granted by this Court in this Special Civil Application be continued and the main proceedings are ordered to be disposed of at the earliest so that the respondent, who is a young man, can know his fate.

Mr.P.R.Nanavati, learned Advocate for the petitioner, states that he has no objection if the main proceedings are ordered to be terminated at the earliest, especially when Mr.Patel has agreed to continue the interim order granted in the said Special Civil Application.

Considering the facts and circumstances of the case and considering the fact that the passport of the respondent is now not allowed to be handed over back till the main proceedings are disposed of and considering the age of the petitioner and the respondent, I direct that Marriage Petition No.1738 of 2000, pending before the Family Court, Ahmedabad, should be decided on top priority basis and should be disposed of as early as possible and latest by 31st August, 2002. Advocates of both the sides have assured the Court that the petitioner as well as the respondent will cooperate for the early disposal of the said proceedings and they will not ask for unnecessary adjournments and they will fully cooperate in the proceedings. Mr.Nanavaty for the petitioner also further states that the respondent has also filed another suit, being Family Suit No.891 of 2002, in the Family Court at Ahmedabad, which also pertains to the same subject matter. Since at present, this Court is not having a copy of the plaint, it is not possible to mention about the factual aspect of the matter and since it is also between the same parties, it is directed that Family Suit No.891 of 2002, pending before the Family Court, Ahmedabad should be consolidated

with the consent of the parties with the present proceedings, i.e. Marriage Petition No.1738 of 2000, and both the aforesaid proceedings should be disposed of by the aforesaid date, i.e. 31st August, 2002. It is accordingly directed that the interim relief granted by this Court in the present Special Civil Application be continued till Marriage Petition No.1738 of 2000 and Family Suit No.891 of 2002 are disposed of by the Family Court and both the aforesaid proceedings, viz., Marriage Petition No.1738 of 2000 and Family Suit No.891 of 2002, be disposed of latest by 31st August, 2002 since by consent of the parties, both are ordered to be consolidated.

In view of the aforesaid direction, nothing further is required to be done in this Special Civil Application and it is disposed of in view of the aforesaid order.

Rule is discharged with no order as to costs.

29th April, 2002 (P.B. Majmudar, J.)

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(apj)